

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

TENDLER CELLULAR OF TEXAS, LLC,

Plaintiff,

v.

AT&T MOBILITY, LLC, CELLCO
PARTNERSHIP d/b/a VERIZON WIRELESS,
SPRINT NEXTEL CORPORATION,
UNITED STATES CELLULAR
CORPORATION and T-MOBILE USA, INC.,

Defendants.

CIVIL ACTION NO. 6:09cv00115-(LED)

Jury Trial Demanded

MOTION FOR DISMISSAL

Plaintiff TENDLER CELLULAR OF TEXAS, LLC (“Tendler”), and Defendant T-MOBILE USA, INC. (“T-Mobile”), pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing with prejudice all claims asserted by Tendler against T-Mobile and all counterclaims asserted by T-Mobile, with each party to bear its own costs, expenses and attorneys fees.

Nothing in this Motion shall be construed as a release or discharge of any claim Tendler has or may have in the future against any other defendant named in this action. All such rights have been, and are, expressly reserved by Tendler.

Dated: April 9, 2010

Respectfully submitted,

T-MOBILE USA, INC.

By: /s/ Benjamin Hershkowitz
(with permission, by DAS)

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CERTIFICATE OF SERVICE

I certify that the foregoing document and exhibits thereto were filed electronically on April 9, 2010 pursuant to Local Rule CV-5(a) and has been served on all counsel who have consented to electronic service. Any other counsel of record will be served by first class U.S. mail, postage prepaid, on this same date.

/s/ David Skeels